

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

CARLOS ORENSE AZOCAR,  
a/k/a "El Gordo,"

Defendant.

- - - - - X

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:  
: SEALED INDICTMENT  
:  
: 21 Cr.  
**21 CRIM 379**

COUNT ONE  
(Narcotics Importation Conspiracy)

The Grand Jury charges:

1. From at least in or about 2003, up to and including in or about 2021, in Venezuela, Colombia, the Dominican Republic, Mexico, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, and others

known and unknown, would and did import into the United States and into the customs territory of the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

3. It was further a part and an object of the conspiracy that CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, and others known and unknown, would and did manufacture, distribute, and possess with intent to distribute a controlled substance, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, in violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

4. It was further a part and an object of the conspiracy that CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, and others known and unknown, would and did, on board an aircraft registered in the United States, manufacture, distribute, and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 959(c) and 960(a)(3).

5. The controlled substance that CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, conspired to (a) import into the United States and into the customs territory of the United States

from a place outside thereof; (b) manufacture, distribute, and possess with intent to distribute, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States; and (c) manufacture, distribute, and possess with intent to distribute on board an aircraft registered in the United States, was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 960(b)(1)(B).

(Title 21, United States Code, Section 963; and Title 18, United States Code, Section 3238.)

**COUNT TWO**

**(Conspiracy to Violate Maritime Drug Enforcement Laws)**

The Grand Jury further charges:

6. From at least in or about 2003, up to and including in or about 2021, in Venezuela, Colombia, the Dominican Republic, Mexico, on the high seas, and elsewhere, CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the maritime drug enforcement laws of the United States.

7. It was a part and an object of the conspiracy that CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, and others

known and unknown, while on board a vessel subject to the jurisdiction of the United States, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 46, United States Code, Section 70503(a)(1).

8. The controlled substance that CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, conspired to distribute and possess with intent to distribute while on board a vessel subject to the jurisdiction of the United States was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 46, United States Code, Section 70506(a) and Title 21, United States Code, Section 960(b)(1)(B).

(Title 46, United States Code, Sections 70506(b) and  
70504(b)(2).)

**COUNT THREE**

**(Possession of Machineguns and Destructive Devices)**

The Grand Jury further charges:

9. From at least in or about 2003, up to and including in or about 2021, in Venezuela, Colombia, the Dominican Republic, Mexico, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States and for which at least one of two or more joint offenders is expected to be first brought to and arrested in the Southern District of New York, CARLOS ORENSE AZOCAR, a/k/a "El

Gordo," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the conspiracy to import narcotics charged in Count One of this Indictment and the conspiracy to violate maritime drug enforcement laws charged in Count Two of this Indictment, knowingly used and carried firearms, and, in furtherance of such crime, knowingly possessed firearms, and aided and abetted the use, carrying, and possession of firearms, to wit, machineguns that were capable of automatically shooting more than one shot, without manual reloading, by a single function of the trigger, as well as destructive devices.

(Title 18, United States Code, Sections 924(c)(1)(A),  
924(c)(1)(B)(ii), 3238, and 2.)

**COUNT FOUR**

**(Conspiracy to Possess Machineguns and Destructive Devices)**

The Grand Jury further charges:

10. From at least in or about 2003, up to and including in or about 2021, in Venezuela, Colombia, the Dominican Republic, Mexico, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern

District of New York, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 924(c).

11. It was a part and an object of the conspiracy that CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, and others known and unknown, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the conspiracy to import narcotics charged in Count One of this Indictment and the conspiracy to violate maritime drug enforcement laws charged in Count Two of this Indictment, would and did use and carry firearms, and, in furtherance of such drug trafficking crime, possess firearms, including machineguns that were capable of automatically shooting more than one shot, without manual reloading, by a single function of the trigger, as well as destructive devices, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 924(c)(1)(B)(ii).

(Title 18, United States Code, Sections 924(o) and 3238.)

**FORFEITURE ALLEGATION**

**(As to Count One)**

12. As a result of committing the offense charged in Count One of this Indictment, CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting, or derived from, any proceeds obtained,

directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

**FORFEITURE ALLEGATION**  
**(As to Count Two)**

13. As a result of committing the offense charged in Count Two of this Indictment, CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, shall forfeit to the United States, pursuant to Title 46, United States Code, Section 70507(a), and Title 28, United States Code, Section 2461, the following property that was used or intended for use to commit, or to facilitate the commission of, said offense:

- a. All controlled substances;
- b. All raw materials, products, and equipment of any kind;
- c. All listed chemicals, all drug manufacturing equipment, all tableting machines, all encapsulating machines, and all gelatin capsules;

d. All property which is used, or intended for use, as a container for property described in paragraphs 13(a), 13(b), and 13(c) of this Indictment;

e. All conveyances, including aircraft, vehicles, or vessels;

f. All books, records, and research, including formulas, microfilm, tapes, and data;

g. All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate the offense charged in Count Two of this Indictment;

h. All real property, including any right, title, and interest (including any leasehold interest) in the whole of any lot or tract of land and any appurtenances or improvements;

i. Any drug paraphernalia; and

j. Any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph 13(a) and 13(b) of this Indictment, and any proceeds traceable to such property.



**FORFEITURE ALLEGATION**  
**(As to Counts Three and Four)**

14. As a result of committing the offenses charged in Counts Three and Four of this Indictment, CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), all firearms and ammunition involved in and used in the commission of the offenses charged in Counts Three and Four of this Indictment.

Substitute Assets Provision

15. If any of the above-described forfeitable property, as a result of any act or omission of CARLOS ORENSE AZOCAR, a/k/a "El Gordo," the defendant:

- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be subdivided without difficulty,
- it is the intent of the United States, pursuant to Title 21, United

States Code, Sections 853(p) and 970, and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 and 970; and Title 28, United States Code, Section 2461(c).)

  
FOREPERSON

  
AUDREY STRAUSS  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Defendant

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SEALED INDICTMENT

21 Cr.

(21 U.S.C. § 963; 46 U.S.C. §§ 70506(b)  
and 70504(b)(2); and 18 U.S.C. §§ 924,  
3238, and 2.)

AUDREY STRAUSS

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United States Attorney

A TRUE BILL

  
Foreperson

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